



**CITY OF FITCHBURG MASSACHUSETTS
CITY COUNCIL CALENDAR**

FITCHBURG CITY CLERK

16 FEB 11 12 27

February 16, 2016 7:00PM

**Memorial Middle School Library
615 Rollstone Street
Fitchburg MA 01420**

WELCOME TO THE FITCHBURG CITY COUNCIL!

This is intended to help you understand the meeting format and assist you with the rules of the Council as they pertain to your participation.

All meetings of the Fitchburg City council are open to the public. This does not mean that the public participates in all aspects of the meeting. It simply means that the meeting itself, including all discussions and votes, is open for public view.

Executive Session

The only time a Council meeting can be closed to the public is when the Council votes for Executive Session in order to discuss sensitive matters in private, such as pending litigation. Any votes taken however, must be taken in open session.

OPPORTUNITIES FOR THE PUBLIC TO SPEAK DURING A COUNCIL MEETING:

Public Forum

The Public Forum occurs immediately following the Pledge of Allegiance. The President will ask if anyone in the audience wishes to speak on any matter appearing on the Agenda. If you wish to address the Council, you must stand and be recognized and follow these rules before speaking:

1. State your name and address.
2. Approach the center table and either stand or sit. This allows you to be seen and heard clearly by everyone in attendance.
3. You may speak only on items appearing on the agenda for no more than (2) minutes. Copies of the agenda are available on the center table prior to the meeting.
4. Please state the petition, order, ordinance, or resolution number to which you refer.

Public Hearings

Public hearings are held on various issues such as Special Permits and Zoning changes. The same rules apply with the following exceptions:

1. You must stand and be recognized either "in favor" or "in opposition" when asked by the Council President.
2. You need not refer to the petition number.

If you have any questions or comments either before or after the meeting, any Councillor would be happy to assist you.

Thank you for your interest!

I. PUBLIC FORUM

II. COMMUNICATIONS FROM HIS HONOR THE MAYOR

1. Letter of re-appointment - Ms. Cheryl Maguy-Stewart, 81 Legros St. as a member of the Human Rights Commission for a term to expire on February 1, 2019.
2. Letter of re-appointment - Ms. Marshal D. Haneisen, 460 High Rock Rd. as a member of the Disability Commission for a term to expire on February 1, 2019.
3. Letter of re-appointment - Ms. Maureen McSheehy, 250 Mt. Vernon St. as a member of the Council on Aging for a term to expire on January 1, 2019.

III. REPORTS OF COMMITTEES

APPOINTMENTS COMMITTEE - Oral Report:

New Appointments:

Board of Library Trustees

Ms. Cynthia Jones, 245 River St. Apt. 132, Fitchburg
(Term to expire January 1, 2017)

Planning Board

Ms. Laura O'Kane, 83 Warren St., Fitchburg
(Term to expire January 1, 2018)

Re-Appointments:

Board of Library Trustees

Ms. Kim Cochrane, 11 Hillside Rd. Fitchburg
(Term to expire January 1, 2019)

Mr. Michael Phaneuf, 39 Shadow Drive, Fitchburg
(Term to expire January 1, 2019)

Ms. Margaret Snyder, 175 East St., Fitchburg
(Term to expire January 1, 2019)

Energy Commission

Ms. Jenna David, 90 Columbia Ave., Fitchburg
(Term to expire April 1, 2018)

Capital Improvement Commission

Mr. David Descoteaux, 47 Putnam Park, Fitchburg
(Term to expire January 1, 2019)

Board of Commissioners of Trust Funds

Mr. Robert Jokela, 143 Old Farm Road, Leominster
(Term to expire January 1, 2019)

Conservation Commission

Mr. Harris Karis, 205 Will Thompson Way, Fitchburg
(Term to expire January 1, 2019)

Ms. Tracy Betts Sarefield, 38 Rogers Ave., Fitchburg
(Term to expire January 1, 2018)

Mr. Thomas Starr, 244 High Rd., Fitchburg
(Term to expire January 1, 2018)

Mr. David Streb, 377 Highland Ave., Fitchburg
(Term to expire December 1, 2017)

Board of Health

Ms. Sandra Knipe, 12 Dogwood Road South, Hubbardston
(Term to expire January 1, 2019)

Broker of Records

Mr. Allen Rome, 25 Harwood Terrace, Leominster
(Term to expire January 1, 2017)

FINANCE COMMITTEE:

- 15-16. ORDER: Transfer \$30,000 to Water Personal Services Overtime from Water Capital-Water System Improvements.
(BE ADOPTED)
- 16-16. ORDER: Approve the expenditure of funds from the MA Dept. of Public Health Bureau of Substance Abuse for the FY16 First Responder Narcan Grant in the approximate amount of \$12,750.
(BE ADOPTED)
- 17-16. ORDER: Appropriate \$250,000, same to be charged against Available Funds and credited to accounts as follows: \$40,000 to DPW-Snow and Ice Personal Services Overtime and \$210,000 to DPW-Snow and Ice Expenses.
(BE ADOPTED)
- 22-16. Vincent Pusateri, II, City Solicitor to do the following:
1. Establish an Order reallocating funds from the Labor Negotiator Fund account to the Litigation and Special Counsel Fund account;
 2. Authorize the Law Department to use said funds to hire as special counsel Attorney William Trainor to handle worker's compensation cases on behalf of the City;
 3. Authorize the Law Department to use said funds to hire as special counsel Attorney John Barrett to continue the smooth transition of the Law Department duties.
(BE ADOPTED)

LEGISLATIVE AFFAIRS COMMITTEE - Oral Report

ORDINANCE

253-2013. That Chapter 44, section 10 of the Code of the City of Fitchburg, under Positions Paid Annually, as most recently amended, be further amended by adding thereto:

School Committee Vice Chairperson and School Committee Member effective January 6, 2014:

School Committee Vice Chairperson \$5,000.00 (payable monthly)

School Committee Member \$4,500.00 (payable monthly)

PETITIONS

46-2013. Councillor Jody Joseph and Councillor Nicholas Carbone and the Elm Street Neighborhood Association to institute a Property Registration Ordinance.

51-2014. Councillor Marcus DiNatale to amend Chapter 3 of the Fitchburg City Code to remove the Dept. of Finance and Administration and in its place the following: have Assessor and Auditor divisions become stand-alone departments reporting directly to the Mayor, and have a Dept. of the Treasury where the divisions of Information Technology and Purchasing report to the Treasurer and the Treasurer will report directly to the Mayor.

52-2014. Councillor Marcus DiNatale to amend Chapter 3 of the Fitchburg City Code to remove the Dept. of Human Services and in its place the following: The divisions of Seniors, Veterans, Library and Recreation now be stand-alone departments reporting directly to the Mayor.

176-2014. Councillors Marcus DiNatale and Amy Green to amend the Fitchburg City Code, where applicable, as outlined (Performance Evaluations).

138-2015. Samuel R. Blair, Chairman - Fitchburg Historical Commission, to have the members of the Fitchburg Historical Commission be designated as Special Municipal employees as outlined.

241-2015. Councillor Angelo Bisol to change the current Ordinance to reflect MGL Ch. 90 s. 51E: Create and establish an Airport Commission for the City consisting of five members plus the Mayor, the President of the Council and the Commissioner of Public Works, who shall be ex-officio members.

- 23-2016. Vincent Pusateri, II, City Solicitor to designate the positions of City Solicitor and Assistant City Solicitor as special municipal employee positions under MGL Chapter 268A section 1(n).
- 24-2016. Vincent Pusateri, II, City Solicitor to designate the positions of Airport Commissioners as special municipal employee positions under MGL Chapter 268A section 1(n).

IV. HEARINGS

- 13-2016. SPECIAL PERMIT PETITION: Mr. Robert Lemay to renovate non-conforming building that has been abandoned or not used for a period of more than two years at 148 Myrtle Ave. Map 33, Block 124 Lot 0.

V. ORDINANCES

- 27-2016. Amending Chapter 3, Section 68 of the City of Fitchburg Code as follows:
Delete therefrom: "a majority of the members of the Finance Committee,"
Add in place as follows:
"the signature of the Finance Committee Chair and in his/her absence the City Council President has signing authority, and in his/her absence a member of the Finance Committee has signing authority".
(Reference Petition 214-2015 granted November 5, 2015)
(FIRST READING)

VI. PETITIONS

- 28-2016. John M. Deline, Jr., Deputy Commissioner of Water Supply, to approve increases in the minimum monthly charges, water usage rate and miscellaneous charges described in Chapter 177, Article VI, Section 177-15 of the City Code. (Rate/fee increases detailed in petition.)
(FINANCE COMMITTEE)
- 29-2016. Vincent Pusateri, II, Esq, as an individual owning land to be affected by change or adoption MGL c. 40A sec. 5, to amend Chapter 181.92 of the Code of the City of Fitchburg (Zoning) entitled "Board of Appeals" by striking the words, "At least one (1) member shall be a member of the Bar".
(LEGISLATIVE AFFAIRS)

- 30-2016. Vincent Pusateri, II, City Solicitor, to designate the positions of Zoning Board of Appeals members as special municipal employees.
(LEGISLATIVE AFFAIRS)
- 31-2016. Vincent Pusateri, II, City Solicitor, to establish an Order, Ordinance or Resolution in accordance with section 40-27 of the Code of the City of Fitchburg entitled, "Designation of Solicitor's Assistant", specifically that the City Council approve FPD Chief Martineau's designation of the Deputy Chief of Police as the Solicitor's assistant.
(LEGISLATIVE AFFAIRS)

VII. TABLED MATTERS

- 012-16. South Coast Development, 280 Ayer Road, Harvard MA for flammable storage of 35,000 gallons as follows: 26,000 gallons of gasoline and 9,000 gallons of diesel in two underground fuel storage tanks at 487 Princeton Road.